

Remark

Applicants respectfully request reconsideration of this application as amended.

Claims 1 and 7 have been amended. Claims 6, 9 and 12-20 have been canceled.

Therefore, claims 1-5, 7-8, 10-11 and 21-27 are now presented for examination.

Election

Newly submitted claims 21-27 are rejected as being directed to an independent and distinct invention. Applicants originally elected the method and not the apparatus.

However, new claims 21-27 are product by process claims that depend from Claim 1. Accordingly, if Claim 1 is found to be allowable, then these claims should also be allowable based solely on the allowability of the method claim from which they depend. If the Examiner would prefer a different statement of such a product by process claims, then Applicants are willing to amend the claims accordingly.

35 U.S.C. §112 Rejection

The Examiner has rejected claim 9 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 9 is canceled.

35 U.S.C. §103 Rejection

Maes and Nguyen

The Examiner has rejected claims 1-8 and 10-11 under 35 U.S.C. §103(a) as being unpatentable over Maes, U.S. Patent No. 6,818,517 (“Maes”) in view of Nguyen, U.S. Patent Publication No. 2004015845 (“Nguyen”). Maes shows the introduction of a plasma to a chamber and Nguyen shows conventional PECVD. The present invention presents a clear difference from these conventional techniques, however, it would appear that the Examiner finds the claims to be imprecise in defining that difference. The claims are, accordingly, amended.

The Examiner would appear to be making two primary points.

The First Point. Since Maes alternates between flowing nitrogen radicals (plasma) and silicon (deposition) gas, the claim for applying plasma power, then deposition gas reads on Maes. The claim as amended makes it clearer that the plasma starts before and stops after the deposition is flowed into the chamber. The two overlap but have a particular on/off sequence. This is in contrast to Maes which alternates between one and the other.

The Second Point. The claimed “applying plasma power in a RF form to the chamber” reads on the remote plasma generator that generates the nitrogen radicals in Maes. A close look at the claim language makes the distinction clear. In Maes chamber, the plasma is nitrogen radicals. This is a form of plasma or at least high energy gas not an “RF form.” The Examiner responds that RF is a common way of generating a plasma, however, the claim states that the RF is applied “to the chamber.” Maes has a separate chamber into which the RF is applied to the nitrogen compounds. This difference is

significant because the effect of applying RF plasma power to a chamber is fundamentally different than introducing high energy nitrogen radicals.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: February 9, 2009



Gordon R. Lindein III

Reg. No. 33,192

1279 Oakmead Parkway
Sunnyvale, California 94085
(303) 740-1980